

STATE OF CALIFORNIA

LICENSING OPERATION DIVISION

Occupational Licensing Branch

P. O. Box 932342

Sacramento, CA 94232-3420

Mail Station N224

DRIVING SCHOOL PROGRAM HANDBOOK



A Public Service Agency

Forms and information may be obtained at any participating Department of Motor Vehicles office. (Refer to pages 46-47 for list of participating offices.)

OR

You may obtain forms and information by calling Sacramento:

Instructor Information (916) 657-6500

Owner/Operator Information (916) 657-6500

LICENSING AND REGULATION OF DRIVING SCHOOLS AND DRIVING INSTRUCTORS

Division 5, Chapter 1, Section 11100-11116 of the Vehicle Code provides for the licensing of driving schools and instructors. This law applies to all persons engaged in the business of giving instruction for hire in driving motor vehicles. Section 1651 of the Vehicle Code authorizes the Director of the department to make such regulations as he/she deems reasonable for the operation of the law. These regulations appear in Title 13, California Code of Regulations.

This law is intended to protect not only the persons doing business with driving schools and the public in general, but also to establish standards for driving schools. It provides state recognition for qualified schools and instructors and will insure that pupils are better trained, thereby contributing to general highway safety.

All applicants for a license to own or operate a driving school or give driving instruction are required to be persons who have no criminal convictions which would be grounds for suspension or revocation of the licenses the persons are seeking. Fingerprint records of each applicant will be made by the department.

REQUIREMENTS FOR DRIVING SCHOOL OWNER'S LICENSE

Defined in Vehicle Code Section 311

1. Every applicant for a license to own a driving school must:
 - (a) File an application with the department.
 - (b) Pay the required fees.
 - (c) Have an established place of business open to the public and meeting all requirements of state law and local ordinances. (See Vehicle Code Section 320, 1670, and 1671.)
 - (d) Have the qualifications to be a licensed "driving school operator" as defined in Sections 310.8 and 11102.5 of the Vehicle Code or have in his employ a "driving school operator."
 - (e) Submit a proper certificate of insurance.

- (f) File a surety bond in the amount of \$2,000 or lawful money in such amount along with a certificate appointing the Director as the lawful agent.
- (g) Be aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workmen's compensation.
- (h) Submit a Safety Inspection Report for each vehicle to be used in driver training. For passenger vehicles, forms for this purpose may be obtained from the department; for commercial vehicles, forms for this purpose may be obtained from the California Highway Patrol.

REQUIREMENTS FOR DRIVING SCHOOL OPERATOR'S LICENSE

Defined in Vehicle Code Section 310.8

1. Every applicant for a license to operate a driving school must:

- (a) File an application with the department.
- (b) Pay the required fees.
- (c) Be the driving school owner or an employee of the school designated by the owner to operate the school.
- (d) Be 18 years of age or older.
- (e) Have worked for an established licensed California driving school as a driving instructor for a period of not less than 1,000 hours of actual behind-the-wheel teaching and on and after July 1, 1973, have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department, **OR** be certified by the Department of Education as fully qualified to teach driver education and driver training, and has taught such subjects in the public school system for a period of not less than 1,000 hours.
- (f) Pass the required written examination.

REQUIREMENTS FOR DRIVING INSTRUCTOR'S LICENSE

Defined in Vehicle Code Section 310.4

1. Every applicant for a license to give driving instruction must:
 - (a) File an application with the department.
 - (b) Pay the required fee.
 - (c) Be employed by a licensed driving school.
 - (d) Submit a report of physical examination by a licensed physician on a form provided by the department. This is for the purpose of determining whether the applicant is physically and mentally able to operate motor vehicles and to train others in the operation of motor vehicles.
 - (e) Be 18 years of age or over.
 - (f) Hold a valid California driver's license and not be on probation as a negligent operator.
 - (g) Have a driver record which does not contain an outstanding notice for violating a written promise to appear in court or for willfully failing to pay a lawfully imposed fine.
 - (h) Have a high school education or its equivalent.
 - (i) Have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department.
 - (j) Pass the required written and driving examinations.
2. Applicants for independent instructor licenses must meet all requirements of Vehicle code Section 11105.5. An instructor's license issued under this section permits instruction in any city with a population of less than 50,000, which does not have within it a licensed driving school. It does not permit instruction in counties with a population in excess of 400,000. To be eligible for an independent instructor's license, an applicant must at all times be employed as an accredited teacher of driver education or driver training in a secondary school.

APPLICATION FEES

Note: Application fees are not refundable. An application must be completed within one year or a new application, all examinations, and fee shall be required.

1. Driving School **Owner's** License

Initial application fee	\$150
Fingerprint fee (if needed)	\$ 42
Annual renewal application fee for each location	\$ 50
Branch License or License Modification fee	\$ 70
Duplicate License fee	\$ 15
License eligibility fee	\$ 1

- (a) The license is normally valid for one year and is not transferable to another person.
- (b) The license to own a school includes the right to be the operator and to give driving instruction **only** when the owner meets all the requirements of an operator and/or driving instructor by submitting the proper application(s) and fee(s).

2. Driving School **Operator's** License

Original or renewal application fee	\$100
License Modification or Duplicate License fee	\$ 15
License eligibility fee	\$ 1

- (a) The license is normally valid for one year and is not transferable to another person.
- (b) The license to operate a driving school includes the right to give driving instruction **only** when the operator meets all the requirements of a driving instructor by submitting an instructor application and fee.

3. Driving School **Instructor's** License

Original or renewal application fee	\$ 30
License eligibility fee	\$ 1

The license is valid for a period of three years from the date of issuance unless canceled, suspended, or revoked by the department and is not transferable to another person.

4. Additional Miscellaneous Fees

Replacement license	\$15
Duplicate license	\$15
Transfer of license (to another school)	\$15

5. Student License Fee

Book of 25 licenses (\$2.00 each)	\$50
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EXAMINATION FOR SCHOOL OPERATOR'S AND INSTRUCTOR'S LICENSE

Applicants for licenses will be given an examination as follows:

1. Written test covering:

- (a) Traffic laws.
- (b) Safe driving practices.
- (c) Operation of motor vehicles.
- (d) Knowledge of teaching methods and techniques.
- (e) Regulations pertaining to the teaching of automobile driver education and driver training to minors under 18, pursuant to Section 12507(b) of the Vehicle Code.
- (f) Additionally, for school operator applicants only, driving school statutes and regulations, business ethics, office procedures and elementary record keeping.

2. For instructor applicants only, an actual driving test sufficient in scope to determine if the applicant has developed the habit of complying with all traffic laws and safe driving practices. A test of the applicant's ability to give driving instruction may also be included in this portion of the examination. The drive test is to be conducted in the same class vehicle that will be utilized during employment as a driving instructor.

3. For school owner applicants only, a physical examination of established place of business and the instructional facilities therein.

REEXAMINATION

Any failure on the examination will require a waiting period of at least one week before a reexamination may be given. A third failure on the examination will result in the rejection of the applicant.

REQUIREMENTS FOR AUTHORIZATION TO ISSUE STUDENT LICENSES

1. Every applicant applying for authorization to issue student licenses must:
 - (a) File an application with the department.
 - (b) Pay the required fees for the student license.
 - (c) Be the driving school owner or an employee of the school designated by the owner to operate the school.
 - (d) Must have at least one designated employee trained to conduct vision screening.
 - (e) Must have a vision screening device.

AUTHORIZED FORMS FOR DRIVER EDUCATION AND DRIVER TRAINING

The department will accept the following forms as proof of completion of driver education and driver training:

- OL 239, Certificate of Simultaneous Enrollment in Classroom and Laboratory Phases of Driver Education (other than secondary schools.)
- OL 238, Certificate of Completion of Behind the Wheel Training (other than driver training.)
- OL 237, Certificate of Completion of Classroom Driver Education (other than secondary schools.)

These forms can be obtained by calling (916) 657-6530. You may also order these forms by mail from:

Department of Motor Vehicles
Occupational Licensing Branch
P.O. Box 932342
Sacramento, CA 94232-3420

HOW TO APPLY

Applications for a license to own or operate a driving school or to give driving instruction are available by calling number on front cover. Completed Instructor applications and the required fees must be submitted to one of the field offices listed in the back of this handbook. Completed Owner/Operator Applications must be submitted to one of the inspector offices identified in the back of this handbook.

SUGGESTED STUDY MATERIAL

Applicants are urged to prepare themselves before taking an examination. Books and publications on the subject of driver training and education are available at libraries, automobile clubs and the employing school.

California Vehicle Code. Division 1, Sections 310.4, 310.6, 310.8, 311, 320, 1670, and 1671; Division 5, Chapter 1; Divisions 6, 7, 9, 10, 11, and 12. (The California Vehicle Code is available for purchase from the Department of Motor Vehicles.)

California Drivers Handbook. (Available free of charge at any Department of Motor Vehicles office.)

California Code of Regulations. Title 13, Section 100.40, 100.45 and 400.0 through 401.34. (These sections are included in this handbook.)

Sportsmanlike Driving, Eighth Edition. (Available at American Automobile Association offices, automobile clubs, and from McGraw-Hill Book Company, Inc., 8171 Redwood Highway, Novato, CA 94947, Attn: Webster Division.)

LAWS DIRECTLY AFFECTING DRIVING SCHOOL OWNERS, OPERATORS AND INSTRUCTORS

Reproduced from the California Vehicle Code

Driving Instructor

310.4. A “driving instructor” is, except as provided in Section 11105.5, an employee of a driving school licensed by the department to instruct others in the operation of motor vehicles.

Driving School

310.6. A “driving school” is a business which, for compensation, conducts or offers to conduct instruction in the operation of motor vehicles. As used in this section, “instruction” includes classroom driver education, in-vehicle driver training, and correspondence study.

Driving School Operator

310.8. A “driving school operator” is either a driving school owner who operates his own driving school or an employee of a driving school who is designated by the driving school owner of such school to personally direct and manage the school for the owner.

Driving School Owner

311. A “driving school owner” is any person licensed by the department to engage in the business of giving instruction for compensation in the driving of motor vehicles or in the preparation of an applicant for examination for a driver’s license issued by the department.

Established Place of Business

320. “Established place of business” is a place actually occupied either continuously or at regular periods by ***any of the following***:

(a) A dealer, remanufacturer, remanufacturer branch, manufacturer, manufacturer branch, distributor, distributor branch, automobile driving school, or traffic violator school where the books and records pertinent to the type of business being conducted are kept.

(b) An automobile dismantler where the books and records pertinent to the type of business being conducted are kept. A place of business of an automobile dismantler which qualified as an “established place of business” before September 17, 1970, is an “established place of business” as defined in this section.

Occupational Licensee: More Than One Type of Business

1670. A licensee issued an occupational license by the department and conducting more than one type of business from an established place of business shall provide a clear physical division between the types of business involving vehicles or their component parts. The established place of business shall be open to inspection of the premises, pertinent records, and vehicles by a peace officer during business hours.

Established Place of Business

1671. (a) The established place of business of a dealer, remanufacturer, remanufacturer branch, manufacturer, manufacturer branch, distributor, distributor branch, automobile driving school, or traffic violator school shall have an office and a dealer, manufacturer, or remanufacturer shall also have a display or manufacturing area situated on the same property where the business peculiar to the type of license issued by the department is or may be transacted. When a room or rooms in a hotel, rooming house, apartment house building, or a part of any single- or multiple-unit dwelling house is used as an office or offices of an established place of business, the room or rooms shall be devoted exclusively to and occupied for the office or offices of the dealer, manufacturer, manufacturer branch, remanufacturer, remanufacturer branch, distributor, distributor branch, automobile driving school, or traffic violator school, shall be

located on the ground floor, and shall be so constructed as to provide a direct entrance into the room or rooms from the exterior of the building. A dealer who does not offer vehicles for sale at retail, or a dealer who is a wholesaler involved for profit only in the sale of vehicles between licensed dealers, shall have an office, but a display area is not required.

DIVISION 5, OCCUPATIONAL LICENSING AND BUSINESS REGULATIONS

Chapter 1, Driving Schools and Driving Instructors

License Required

11100. No person shall own or operate a driving school or give driving instructions for compensation, unless a license therefor has been secured from the department.

Certification by Department of Education

11100.5. Whenever it is necessary for a driving school or independent driving instructor to be certified by the Department of Education, or any agency thereof, in order to participate in any state or federal program directed at training or retraining persons in occupational skills, licensing or certification by the Department of Motor Vehicles pursuant to this chapter may operate to fully qualify such school or instructor to participate in the program.

Costs incurred by the department in exercising its functions pursuant to this section shall be borne by the applicant for licensing or certification, and the department may charge the applicant a reasonable fee therefor.

Schools and Persons Exempt

11101. (a) The provisions of this chapter shall not apply to any of the following:

(1) Public schools or educational institutions in which driving instruction is part of the curriculum.

(2) Nonprofit public service organizations offering instruction with a tuition fee.

(3) Nonprofit organizations engaged exclusively in giving off-the-highway instruction in the operation of motorcycles, if the course of instruction is approved by the National Highway Traffic Safety Administration and is designed to prepare students for examination by the department for a class 4 drivers license.

(4) Commercial schools giving only off-the-highway instruction in the operation of special construction equipment, as defined in this code.

(5) Vehicle dealers or their salesmen giving instruction without charge to purchasers of motor vehicles.

(6) Employers giving instruction to their employees.

(7) Commercial schools engaged exclusively in giving off-the-highway instruction in the operation of racing vehicles or in advanced driving skills to persons holding valid drivers' licenses, except whenever such instruction is given to persons who are being prepared for examination by the department for any class of driver's license.

(b) For purposes of this section, "racing vehicle" means a motor vehicle of a type which is used exclusively in a contest of speed and which is not intended for use on the highways.

Requirements for Driving School Owner

11102. (a) A driving school owner, or the principal in an all-terrain vehicle safety training organization, shall meet all of the following requirements:

(1) Maintain an established place of business open to the public. No office or place of business shall be situated within 500 feet of any building used by the department as an office, unless the owner was established at such location on or before January 1, 1976.

(2) Have the proper equipment necessary to give instruction in the operation of the class of vehicles for which the course is designed.

(3) Procure and file with the department a bond of two thousand dollars (\$2,000) executed by an admitted surety insurer and conditioned that the applicant shall not practice any fraud or make any fraudulent representation which will cause a monetary loss to a person taking instruction from the applicant.

(4) Meet the requirements of Section 11102.5 and, if the person is not the owner of a driving school, meet the requirements of Section 11102.5. If the owner is not the operator of the driving school, the owner shall designate an operator who shall meet the requirements of Section 11102.5.

(5) (a) File with the department an instrument, in writing, appointing the director as the agent of the applicant upon whom a process may be served in any action commenced against the applicant arising out of any claim for damages suffered by any person by the applicant's violation of any provisions of this code or any condition of the bond.

(B) The applicant shall stipulate in the instrument that any process directed to the applicant, when personal service cannot be made in this state after due diligence, may be served upon the director, or if the director is absent from the office, upon any employee in charge of the office of the director, in which case the service is of the same effect as if served upon the applicant personally. The applicant shall further stipulate, in writing, that the agency created by the instrument shall continue during the period covered by the license and so long thereafter as the applicant may be made to answer in damages for a violation of this code or any condition of the bond.

(C) The instrument appointing the director as agent for the applicant for service of process shall be acknowledged by the applicant before a notary public.

(D) If the licensee is served with process by service upon the director, one copy of the summons and complaint shall be left with the director or in the director's office in Sacramento or mailed to the office of the director in Sacramento. A fee of five dollars (\$5) shall also be paid to the director at the time of service of the copy of the summons and complaint.

(E) The service on the director is a sufficient service on the licensee if the plaintiff or the plaintiff's attorney also, on the same day, sends notice of the service and a copy of the summons and complaint by registered mail to the licensee. A copy of the summons and complaint shall also be mailed by the plaintiff or his or her attorney to the surety of the applicant's bond at the address of the surety given in the bond, postpaid and registered with request for return receipt.

(F) The director shall keep a record of all process so served upon the director under this paragraph showing the day and hour of service, and the director shall retain the summons and complaint served on file.

(G) If the licensee is served with process by service thereof upon the director, the licensee has 30 days after that service within which to answer any complaint or other pleading filed in the cause. For purposes of venue, the service is deemed to have been made upon the licensee in the county in which the licensee has or last had the licensee's established place of business.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application, examination, and a fee shall be required.

Refund of Cash Deposit or Release of Bond Upon Cessation of Business

11102.1 *If a deposit is given instead of the bond required by Section 11102:*

(a) The director may order *the deposit returned* at the expiration of three years from the date a driving school licensee has ceased to do business, or three years from the date a licensee has ceased to be licensed, if the director is satisfied that there are no outstanding claims against the *deposit*. A judge of a municipal or superior court may order the return of *the deposit* prior to the expiration of three years upon evidence satisfactory to *the judge* that there are no outstanding claims against the *deposit*.

(b) If either the director, department, or state is a defendant in any action instituted to recover all or any part of *the deposit*, or any action is instituted by the director, department, or state to determine those entitled to any part of *the deposit*, the director, department or state shall be paid reasonable attorney fees and costs from *the deposit*. Costs shall include those administrative costs incurred in processing claims against the *deposit*.

Requirements for Driving School Operators

1102.5. (a) A driving school operator shall meet all of the following requirements:

(1) Within three attempts, pass an examination that the department requires on traffic laws, safe driving practices, operation of motor vehicles, teaching methods and techniques, driving school statutes and regulations, and office procedures and recordkeeping.

(2) Pay to the department a fee of one hundred dollars (\$100), which shall entitle the applicant to three examinations.

(3) Be 18 years of age or older.

(4) Have worked for an established licensed California driving school as a driving instructor for a period of not less than 1,000 hours of actual behind-the-wheel teaching and, on and after July 1, 1973, have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department, except that the operator, including an owner who is also the operator, of a driving school which exclusively teaches motorcycle driving may, in lieu of the behind-the-wheel teaching requirement, have worked for an established licensed California driving school as a motorcycle driving instructor for a period of not less than 300 hours of actual motorcycle range and street teaching or have taught 300 hours of actual motorcycle range and street instruction under the guidance of the Motorcycle Safety Foundation, or have given comparable training instruction which is acceptable to the department. This paragraph does not apply to any person who is certified by the State Department of Education as fully qualified to teach driver education and driver training and has taught those subjects in the public school system for not less than 1,000 hours.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application, examination and a fee shall be required.

Insurance Requirements (Effective January 1, 1987)

11103. A driving school owner and an independent instructor licensed under Section 11105.5 shall maintain bodily injury and property damage liability insurance on motor vehicles while being used in driving instruction, insuring the liability of the driving school, the driving instructor, and any person taking instruction in at least the following amounts: one hundred fifty thousand dollars (\$150,000) for bodily injury to or death of one person in any one accident and, subject to the limit for one person, three hundred thousand dollars (\$300,000) for bodily injury to or death of two or more persons in any one accident, and the amount of fifty thousand dollars (\$50,000) for damage to property of others in any one accident.

The owner or instructor shall file evidence of that insurance coverage in the form of a certificate from the insurance carrier with the department, and the certificate shall stipulate that the insurance shall not be canceled except upon 30 days' prior notice to the department.

Workers' Compensation Requirements: Driving School Owner

11103.2. A driving school owner who employs one or more driving instructors or other employees shall sign, under penalty of perjury, a statement in a form determined and retained by the department stating that the owner is in compliance with worker's compensation requirements set forth in Section 3700 of the Labor Code.

Added Sec. 1, Ch. 47, Stats. 1996. Effective January 1, 1997.

Requirements for Driving Instructor

11104. (a) Every person, in order to qualify as a driving instructor, as defined in Section 310.4, shall meet the following requirements:

(1) On and after July 1, 1973, have a high school education or its equivalent and have satisfactorily completed a course in the teaching of driver education and driver training acceptable to the department.

(2) Within three attempts, pass an examination that the department requires on traffic laws, safe driving practices, operation of motor vehicles, and teaching methods and techniques.

(3) Be physically able to safely operate a motor vehicle and to train others in the operation of motor vehicles.

(4) Hold a valid California driver's license in a class appropriate for the type of vehicle in which instruction will be given.

(5) Not be on probation to the department as a negligent operator.

(6) Have a driver record which does not have an outstanding notice for violating a written promise to appear in court or for willfully failing to pay a lawfully imposed fine, as provided Section 40509.

(7) Be 18 years of age or older.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license, or a new application, examination, and fee shall be required.

Issuance and Renewal of Licenses: Owner or Operator

11105. (a) The department shall issue a license certificate to each driving school owner and to each driving school operator when it is satisfied that the owner has met the qualifications required under this chapter. The license shall be for a period of one year from midnight of the last day of the month of issuance unless canceled, suspended, or revoked by the department.

(b) The license shall be renewed annually. The department shall require all of the following for the renewal of the license:

(1) Compliance with the provisions of Sections 11102 and 11105.2 for renewal of a driving school owner's license or Section 11102.5, except paragraph (2) of subdivision (a) of Section 11102.5, for renewal of a driving school operator's license.

(2) Satisfactory completion of an examination as provided in Section 11102.5 at least once during each succeeding three-year period after the initial issuance of a license certificate.

In lieu of any examination for renewal of the license, the department may accept submission by the licensee of evidence of continuing professional education. Professional education, as used in this subdivision, means satisfactory completion of courses related to traffic safety, teaching techniques, or the teaching of driver instruction acceptable to the department or participation in professional seminars approved by the department.

(c) The department may issue a probationary license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license or certificate but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained therein.

(d) Upon notification of death of a driving school licensee the department may issue a certificate of convenience to the executor, executrix, administrator or administratrix of the estate of a deceased holder of a validly outstanding certificate to conduct a driving school, or if no executor, executrix, administrator or administratrix has been appointed, and until a certified copy of an order making such appointment is filed with the department, to the surviving spouse or other heir otherwise entitled to conduct the business of the deceased, permitting such person to conduct the driving school for a period of one year from and after the date of death, and necessary one-year renewals thereafter pending, but not later than, disposal of the business and qualification of the vendee of the business or such surviving spouse or heir for a license certificate to conduct a driving school under the provisions of this division. The department may restrict or condition the certificate and attach to the exercise of the privilege thereunder such terms and conditions as in its judgment the protection of the public requires.

Issuances and Renewal of Licenses: Instructor

11105.1 (a) The department shall issue a license certificate to each driving school instructor and to each all-terrain vehicle safety instructor when it is satisfied that the person has met the qualifications required under this chapter. The original instructor's license and any instructor's license renewed pursuant to subdivisions (b) and (c) is valid for three years from the date issued unless canceled, suspended, or revoked by the department

(b) A licensee may apply for the renewal of an instructor's license prior to the expiration date of the license. In no event shall an instructor renew the license after the date of expiration.

(c) The department shall require all of the following for the renewal of the instructor's license:

(1) Compliance with Section 11104, except subdivision (c) thereof, for a driving school instructor, or compliance with Section 11104.3, except

paragraph (3) of subdivision (a) thereof, for an all-terrain vehicle safety instructor, and, for either, compliance with Section 11105.2.

(2) Satisfactory completion of an examination as provided in Section 11104 or 11104.3, as applicable, at least once during each succeeding three-year period after the initial issuance of an instructor license certificate.

In lieu of any examination for renewal of the license, the department may accept submission by the licensee of evidence of continuing professional education as defined in paragraph (2) of subdivision (b) of Section 11105.

(d) The department may issue a probationary instructor's license and certificate subject to conditions to be observed by the licensee in the exercise of the privilege granted. The conditions to be attached to the exercise of the privilege shall not appear on the face of the license or certificate but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the applicant as disclosed by the application and investigation by the department of the information contained herein.

(e) This section shall become operative on July 1, 1988.

Repealed and Added Ch. 881, Stats. 1987. Operative July 1, 1988.

Fees

11105.2. (a) The fee for a license issued to a driving school owner shall be as follows:

(1) For the original license, or an ownership change which requires a new application, except as provided by Section 42231, a nonrefundable fee of one hundred fifty dollars (\$150) and \$1 license eligibility fee.

(2) For the annual renewal of a license, a fee of fifty dollars (\$50) and \$1 license eligibility fee.

(3) If an alteration of an existing license is caused by a firm name change, a change in corporate officer structure, address change, or the addition of a branch location, a fee of seventy dollars (\$70).

(4) For replacement of the license when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(b) The fee for a license issued to a driving school operator shall be as follows:

(1) For the original license a nonrefundable fee of one hundred dollars (\$100) and \$1 license eligibility fee.

(2) For the annual renewal of a license, a fee of one hundred dollars (\$100).

(3) If an alteration of an existing license is caused by a change in school name or location, or the addition of a branch location, a fee of fifteen dollars (\$15).

(4) For replacement of the license when the original license is lost, stolen, or mutilated, a fee of fifteen dollars (\$15).

(c) The fee for a license issued to a driving school instructor shall be as follows:

(1) For the original license, except as provided by Section 42231, a nonrefundable fee of thirty dollars (\$30) and \$1 license eligibility fee.

(2) For the triennial renewal of a license, a fee of thirty dollars (\$30) and \$1 license eligibility fee.

Expired License

11105.3. Any driving school owner, operator, or instructor required to be licensed under this chapter who fails to renew such license prior to the expiration of the license in accordance with Sections 11105 and 11105.1 and whose license was not canceled, suspended, or revoked by the department at the time of expiration, may reapply for an original license pursuant to Section 11102, 11102.5, or 11104.

Independent Driving Instructor

11105.5. The department shall issue an independent driving instructor's license to permit instruction in any city with a population of less than 50,000, which does not have within it an established licensed driving school, to any person who meets the requirements of this chapter relating to instructor's and independent instructor's licenses, even though such person is not an employee of, or otherwise associated with or instructing through, a driving school, except that no independent driving instructor's license shall be issued to a person to instruct in counties with a population in excess of 400,000. In addition, an independent instructor must at all times be employed as an accredited teacher of automobile driver education or automobile driver training under the provisions of the Education Code.

Temporary Permit

11106. (a) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a license issued pursuant to this chapter. The temporary permit shall permit the operation of a driving school, or the giving of instructions for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant for the license.

(b) A temporary permit valid for 30 days may be issued to any applicant for an original driving instructor's license pending satisfactory completion of the course required by subdivision (b) of Section 11104. This subdivision shall not be construed as extending the period of validity of any temporary permit issued pursuant to subdivision (a).

(c) The department may cancel such temporary permit when it has determined or has reasonable cause to believe that the application is incorrect or incomplete or the temporary permit was issued in error. Such temporary permit shall be invalid when canceled or when the applicant's license has been issued or refused.

Refusal to Issue License

11107. (a) The department may refuse to issue a license certificate to any applicant to own or operate a driving school or to any driving instructor when it is satisfied that:

(1) The applicant has not met the qualifications required under this chapter.

(2) The applicant was previously the holder of a license under this chapter, which was revoked or suspended, which license in the case of revocation was never reissued by the department, or which in the case of suspension was never reinstated.

(3) The applicant has done any act or series of acts which would be a cause for suspension or revocation under Section 11110.

(4) If the applicant is a partnership or corporation, one or more of the limited or general partners, stockholders, directors, or officers, was the holder of a revoked or suspended license previously issued under this chapter, which license in the case of revocation was never reissued or in the case of suspension was never reinstated, or one or more of such partners, stockholders, directors, or officers, as the case may be, though not previously the holder of a license, has done any act or series of acts which would be a cause for revocation or suspension under Section 11110.

(5) By reasons of the facts and circumstances touching the organization, control, and management of the partnership or corporation, it is likely that the policy or operation of the business will be directed, controlled, or managed by an individual who by reasons of the act, series of acts, or conduct described in subparagraphs (3) and (4) above, would be ineligible for a license and that by licensing the corporation or partnership the purposes of this division would likely be defeated.

(6) The applicant has knowingly made a false statement or knowingly concealed a material fact in applying for a license.

(b) Upon refusal of the department to issue a license, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

The hearing shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(c) A person whose ***license has been revoked or*** application for a license has been refused may reapply for such license after a period of not less than one year has elapsed from the ***effective date of the decision revoking the license or refusing the application.***

Records of Licensee

11108. (a) Every person licensed under this chapter shall keep a record showing all of the following:

(1) The name and address and license number of the school.

(2) The name and address of each person given instruction.

(3) The instruction permit number or driver's license number of every person given instruction in the driving of a motor vehicle.

(4) The date any such instruction permit was issued.

(5) The name and instructor's license number of each driving instructor.

(6) The particular type of instruction given and the date of such instruction.

(7) The amount of time devoted to each type of instruction.

(8) The total number of hours of instruction.

(9) The total cost of the student of such instruction.

(b) The record shall be retained for a minimum of three years and shall be open to the inspection of the department at all reasonable times, but shall be only for the confidential use of the department.

(c) Whenever the licensee suspends or terminates the licensed activity, the licensee shall surrender the records to the department for examination not later than the end of the third day, excluding Saturdays, Sundays, legal holidays, after the date of suspension or termination. The department may duplicate or make a record of any information contained therein. All such records shall be returned to the licensee not later than 30 days after the date of surrender.

Change of Ownership, Location, or Residence

11108.5. (a) Every driving school owner licensed pursuant to Section 11105 shall notify the department within 10 days of any change in the ownership or corporate structure of the licensee.

(b) Every driving school owner licensed pursuant to Section 11105 shall immediately notify the department upon changing the site or location of the driving school's established place of business.

(c) Every driving school operator and driving instructor licensed pursuant to Sections 11105 and 11105.1 shall report to the department every change of residence address within five days of the change.

Vehicles of Licensee

11109. Every licensee under this chapter shall maintain all vehicles used in driver training in safe mechanical condition at all times.

Revocation and Suspension of Licenses

11110. The department, after notice and hearing, may suspend or revoke any license issued under this chapter in any of the following cases:

(a) The department finds and determines that the licensee fails to meet the requirements to receive or hold a license under this chapter.

(b) The licensee fails to keep the records required by this chapter.

(c) The licensee permits fraud or engages in fraudulent practices either with reference to the applicant for a driver's license or an all-terrain vehicle safety certificate or the department, or induces or countenances fraud or fraudulent practices on the part of any applicant.

(d) The licensee fails to comply with any provision of this chapter or regulation or requirement of the department adopted pursuant thereto.

(e) The licensee represents himself or herself as an agent or employee of the department or uses advertising designed to create the impression, or which would reasonably have the effect of leading persons to believe, that the licensee was in fact an employee or representative of the department, or the licensee makes an advertisement, in any manner or by any means, which is untrue or misleading and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

(f) The licensee, or employee or agent of the licensee, solicits driver training or instruction or all-terrain vehicle safety instruction in, or within 200 feet of, an office of the department.

(g) The licensee is convicted of violating Section 14606, 20001, 20002, 20003, 20004, 20006, 20008, 23103, 23104, 23152, or 23153 of this code or subdivision (c) of Section 192 of the Penal Code. A conviction, after a plea of nolo contendere, is a conviction within the meaning of this section.

(h) The licensee teaches, or permits a student to be taught, the specific tests administered by the department through use of the department's forms or testing facilities.

(i) The licensee conducts training, or permits training by any employee, in an unsafe manner or contrary to safe driving practices.

(j) The licensed school owner or licensed driving school operator teaches, or permits an employee to teach, driving instruction or all-terrain vehicle safety instruction without a valid instructor's license.

(k) The licensed school owner does not have in effect a bond as required by Section 11102.

(l) The licensee permits the use of the license by any other person for the purpose of permitting that person to engage in the ownership or operation of a school or in the giving of driving instruction or all-terrain vehicle safety instruction for compensation.

(m) The licensee holds a secondary teaching credential and explicitly or implicitly recruits or attempts to recruit a pupil who is enrolled in a junior or senior high school to be a customer for any business licensed pursuant to this article that is owned by the licensee or for which the licensee is an employee.

(n) The licensee or any employee or agent of the licensee administers driving tests or issues certificates of passage in violation of the terms of an agreement entered into under Section 12507.1

(o) This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted on or before January 1, 1998, deletes or extends that date.

11110.1. Any of the causes specified in this chapter as a cause for refusal to issue a license under this chapter is cause to suspend or revoke a license under this chapter.

Automatic Cancellation

11110.2. The license issued to a school owner shall be automatically canceled upon the happening of any of the following:

(a) The abandonment of the established place of business or the change thereof without notice to the department pursuant to Section 11108.5.

(b) The failure to maintain an adequate bond or to procure and file another bond, as required by Section 11102, prior to the effective date of the termination by the surety of any existing bond.

(c) The voluntary or involuntary surrender of the license, except that a surrender or cessation of business by the licensee, or the suspension or revocation of the corporate status of the licensee, does not preclude the department from filing an accusation for revocation or suspension of the surrendered license, as provided in Section 11110, or affect the department's decision to suspend or revoke the license.

(d) Notification to the department that the person designated as licensee has changed.

(e) Suspension or revocation of the corporate status of the licensee.

Cancellation of License When Issued in Error or Surrendered

11110.5. The department may cancel any license issued under the provisions of this chapter when such license has been issued in error or voluntarily surrendered to the department for cancellation. Whenever a driving school operator's license or a driving instructor's license is canceled, it shall be without prejudice and shall be surrendered to the department. Any person whose license has been canceled may immediately apply for a license and such application may be accepted without additional fee or examination under rules and regulations adopted by the department.

Revocation and Suspension of Licenses

11110.7. (a) The department, after notice and hearing, on an interim basis, may refuse to issue or may suspend a license issued under this chapter when the applicant or licensee, or a business representative if the applicant or licensee is a business, has been convicted of a crime involving moral turpitude which is substantially related to the qualifications, functions, or duties of the licensed activity, if an appeal of the conviction is pending or the conviction has otherwise not become final. A conviction after a plea of nolo contendere is a conviction within the meaning of this section.

(b) If a conviction, upon which an interim refusal to issue or suspension under subdivision (a) is based, is affirmed on appeal or otherwise becomes final, the refusal to issue or the suspension shall automatically become effective as a denial or revocation, as the case may be, of the license. If the interim refusal to issue or the suspension was stayed under probationary terms and conditions, the subsequent automatic denial or revocation shall also be stayed under the same terms and conditions for a term not to exceed the original term of probation for the interim refusal to issue or suspension.

(c) If a conviction, upon which an interim refusal to issue or suspension under subdivision (a) is based, is reversed on appeal, the department shall set aside immediately that refusal or suspension.

Notice and Hearing before Cancellation, Suspension or Revocation of License: Reinstatement Fee

11111. (a) Every licensee under this chapter is entitled to notice and hearing prior to cancellation, suspension, or revocation of the license by the department, except that the department shall immediately cancel the license without a hearing for failure of the licensee to meet and maintain the requirements of paragraph (1), (3), or (4) of subdivision (a) of Section 11102, or Section 11103 or subdivision 11103.1, or paragraph (4), (5), or (6) of subdivision (a) of Section 11104, or paragraph (4), (5), or (6) of subdivision (a) of Section 11104.3, or Section 11110.2.

(b) The notice and hearings provided for in this chapter shall be pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government code.

(c) Any action of the department in suspending, canceling, or revoking, or failing to renew a license may be reviewed by any court of competent jurisdiction.

(d) The department may, pending a hearing, temporarily suspend the license or permit of any person licensed under this chapter for not more than 30 days if the director finds that the action is required in the public interest. In that case, a hearing shall be held and a decision issued within 30 days after notice of the temporary suspension.

(e) The suspension, expiration, or cancellation of a license issued under this chapter does not preclude the filing of an accusation for the revocation or suspension of the suspended, expired, or canceled license as provided in Section 11110, and does not invalidate or otherwise preclude a decision by the department to suspend or revoke the license. That determination may be considered in granting or refusing to grant any subsequent license authorized by this chapter to the same licensee, or to any partner, officer, director, or stockholder of the same licensee.

Filing of Accusations: Compromise Settlement

11111.5. (a) After the filing of an accusation under this chapter, the director may enter into a stipulated compromise settlement agreement with the consent of the licensee on terms and conditions mutually agreeable to the director, the respondent licensee, and the accuser without further hearing or appeal. The agreement may include, but is not limited to, a period of probation or monetary penalties, or both. The monetary penalty shall not exceed one thousand dollars (\$1,000) for driving school owners or five hundred dollars (\$500) for driving school operators or driving instructors for each violation, and it shall be based on the nature of the violation and the effect of the violation on the purposes of this chapter.

(b) A compromise settlement agreement may be entered before, during, or after the hearing, but is valid only if executed and filed pursuant to subdivision (d) before the proposed decision of the hearing officer, if any, is adopted or the case is decided.

(c) The department shall adopt, by regulation, a schedule of maximum and minimum amounts of monetary penalties, the payment of which may be included as a term or condition of a compromise settlement agreement entered under subdivision (a). Any monetary penalty included in a compromise settlement agreement shall be within the range of monetary penalties in that schedule.

(d) Any compromise settlement agreement entered under this section shall be signed by the director, the respondent licensee, and the accuser, or by their authorized representatives. The director shall file, or cause to be filed, the agreement with the Office of Administrative Hearings, together with the department's notice of withdrawal of the accusation or statement of issues upon which the action was initiated.

(e) If the respondent licensee fails to perform all of the terms and conditions of the compromise settlement agreement, the agreement is void and the department may take any action authorized by law notwithstanding the agreement, including, but not limited to, refile the accusation or imposing license sanctions.

Hearings: Refusal to Issue

11112. Upon refusal of the department to issue a license, the applicant shall be entitled to demand in writing a hearing before the director or his representative within 60 days after notice of refusal.

The hearing shall be conducted pursuant to Chapter 5 (commencing at Section 11500), Part 1, Division 3, Title 2 of the Government Code.

Conduct of Courses: Rules and Regulations

11113. The director may prescribe rules and regulations for driving schools regarding the conduct of courses of driver education and driver training, including curriculum, facilities, and equipment. ***The rules and regulations regarding curriculum shall require information relating to the dangers involved in consuming alcohol or drugs in connection with the operation of a motor vehicle.*** The director may also prescribe rules and regulations for the conduct of driving instructor training courses required by Sections 11102.5 and 11104, including curriculum, facilities, and equipment. The department shall monitor instruction given by driving schools.

Rules and Regulations: Driving Schools: Class 1 and 2 Drivers

11113.5. The department shall establish rules and regulations prescribing standards for the licensing and control, as provided in this chapter, of owners, operators, and instructors and the courses of driver education and driver training for driving schools providing training courses for class 1 and class 2 licensed drivers. The standards shall provide for requirements

of licensing, training, and control to assure that the owners, operators, and instructors are qualified to provide the type of training needed by drivers for safe operation of large commercial vehicles on the highway.

Reexamination

11114. The department may require any person licensed under this chapter to submit to a reexamination of his qualifications when there is reasonable cause to believe that the licensee does not have the ability to give driving instruction. If the licensee refuses or fails to submit to such reexamination, the department may peremptorily suspend his license until such time as the licensee shall have submitted to reexamination. The suspension shall be effective upon notice.

Licenses for Persons Under 18

12507. Any person 16 years of age abut less than 18, may apply for, and the department may issue a driver's license to such person upon such successful completion of an examination as required by the department and upon compliance with one of the following:

(a) Satisfactory completion of approved courses in automobile driver education and driver training maintained pursuant to provisions of the Education Code in any secondary school of California, or equivalent instruction in secondary school of another state.

(b) Satisfactory completion of six hours or more of behind-the-wheel instruction by a driving school or an independent driving instructor licensed under the provisions of Chapter 1 (commencing with Section 11100) of Division 5 code and either an accredited course in automobile driver education in any secondary school of California pursuant to provisions of the Education Code or satisfactory completion of equivalent professional instruction acceptable to the department. To be acceptable to the department the professional instruction shall meet minimum standards to be prescribed by the department, which standards shall be at least equal to the requirements for driver education and training contained in the rules and regulations adopted by the State Board of Education pursuant to provisions of the Education Code.

SEC. 3. Section 12507.1 is added to the Vehicle Code, to read:

12507.1. (a) (1) In enacting this section, it is the intent of the Legislature to implement a pilot program to study the safety and fiscal effects of allowing certain driving schools to conduct the provisional driver's license behind-the-wheel driving test.

(2) The adoption of departmental regulations, training of driving school instructors, and all other functions necessary to prepare for the implementation of the pilot program shall be performed by the department commencing on January 1, 1995,

(b) Commencing on January 1, 1996, the department may allow a driving school that has operated for at least two years in compliance with

Chapter 1 (commencing with Section 11100) of Division 5 to administer the behind-the-wheel driving test portion of the examination required by subparagraph (D) of paragraph (1) of subdivision (a) of Section 12804.9 for a provisional driver's license for any person who is 16 years of age or older, but who is less than 18 years of age, if all of the following conditions apply:

(1) The applicant has complied with the requirements of Section 12507.

(2) The tests given by the driving school are the same as those that would otherwise be given by the department.

(3) The driving school enters into an agreement with the department containing, but not limited to, all of the following provisions

(A) The department shall annually conduct onsite inspections of the testing operations, or more often as the department determines to be necessary.

(B) All driving school examiners shall meet all of the following qualifications:

(i) Have at least 500 hours of instructional experience as a driving school instructor.

(ii) Be at least 25 years of age.

(iii) Have the same qualification and training standards as the department's examiners, to the extent necessary to conduct the driving tests in compliance with department standards.

(C) No driving school examiner shall be qualified to administer the behind-the-wheel test where the individual to be tested has been previously instructed by that examiner in the operation of a vehicle.

(D) No driving school or driving school instructor shall condition the payment of a fee to the school by an applicant for receiving instruction in the operation of a vehicle or the administration of the behind-the-wheel driving test, or both, upon the passage or failure of the behind-the-wheel driving test.

(E) The driving school requires written assurances from an applicant's parent or guardian that the parent or guardian assumes liability for the applicant during the driving test.

(F) The department may cancel, suspend, or revoke the agreement with the driving school, upon giving 15 days' prior written notice of the proposed action to the driving school, if the department determines that the driving school is failing to comply with the standards for the behind-the-wheel driving test or with any other term of the agreement. Upon receiving that notice, a driving school may request a departmental hearing within 10 days from the date of receipt of the notice.

(G) Any departmental hearing requested by the driving school pursuant to subparagraph (D) shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(H) Any action to appeal or review any order of the department to cancel, suspend, or revoke the agreement shall be brought in a court of competent jurisdiction under Section 1085 of the Code of Civil Procedure, or as otherwise provided by law. The action shall be commenced within 90 days from the effective date of the order.

(4) A driving school that has had its agreement canceled, suspended, or revoked by order of the department may not administer a behind-the-wheel driving test during the period that the order is in effect.

Instruction Permits

12509. (a) Except as otherwise provided in subdivision (f) of Section 12514, the department, for good cause, may issue an instruction permit to any physically and mentally qualified person who meets one of the following requirements and who applies to the department for an instruction permit:

(1) Is age 15 years and 6 months or over and has successfully completed approved courses in automobile driver education and driver training as provided in Section 12507.

(2) Is age 15 years and 6 months or over and has successfully completed an approved course in automobile driver education and is taking driver training as provided in Section 12507.

(3) Is age 15 years or over and is enrolled in an approved driver education course and is at the same time or during the same semester enrolled in an approved driver training course.

(4) Is over the age of 17 years and 6 months.

(b) An instruction permit issued pursuant to subdivision (a) shall entitle the applicant to operate a vehicle, subject to the limitations imposed by this section and any other provisions of law, upon the highways for a period not exceeding 12 months.

(c) Any person, while having in his immediate possession a valid permit issued pursuant to subdivision (a), may operate a motor vehicle, other than a motorcycle or a motorized bicycle, when either taking the driver training instruction of a kind referred to in Section 12507, or when practicing such instruction, and when accompanied by, and under the immediate supervision of, a California licensed driver 18 years of age or over whose driving privilege is not on probation. Except as provided in subdivision (d), such an accompanying licensed driver at all times shall occupy a position with the driver's compartment that would enable such accompanying licensed driver to assist the driver in controlling the vehicle as may be necessary to avoid a collision and to provide immediate guidance in the safe operation of such vehicle.

(d) Any person while having in his immediate possession a valid permit issued pursuant to subdivision (a), who is age 15 years and 6 months or over and who has successfully completed approved courses in automobile education and driver training as provided in Section 12507, and any person while having in his immediate possession a valid permit issued

pursuant to subdivision (a) who is age 17 years and 6 months or over, may, in addition to operating a motor vehicle pursuant to subdivision (c); also operate a motorcycle or a motorized bicycle, except that such person shall not operate a motorcycle or a motorized bicycle during hours of darkness, shall stay off any freeways which have full control of access and no crossings at grade and shall not carry any passenger except an instructor licensed under Chapter 1 (commencing with Section 11100) of Division 5 of this code or a qualified instructor as defined in Section 18252.2 of the Education Code.

(e) No student shall take driver training instruction unless he is at the same time taking driver education instruction or has successfully completed driver education.

(f) The department may also issue an instruction permit to a person who has been issued a valid driver's license to authorize the person to obtain driving training instruction and to practice such instruction in order to obtain another class of driver's license or an endorsement.

(g) The department may further restrict permits issued under subdivision (a) as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

Driver Training Vehicles

27304. All vehicles owned and utilized in driver training by a driver training school licensed under the provisions of chapter 1 (commencing with Section 11100) of Division 5 or in a course in automobile driver training in any secondary school maintained under the Education Code shall be equipped with a seatbelt for the driver and each passenger. Such seatbelt shall comply with requirements established by the department.

It shall be unlawful for any driver or passenger to operate or ride in such vehicle while it is being operated for the purposes of driver training, unless such person is utilizing an installed seatbelt in the proper manner.

CALIFORNIA EDUCATION CODE
Relating to
CONTRACTING WITH PUBLIC SECONDARY SCHOOLS
FOR
DRIVER TRAINING

§41913. School districts authorized to contract with approved private driver training schools. Notwithstanding any other provision of law, the governing board of any school district maintaining secondary schools, may, subject to Sections 41913 to 41919, inclusive, enter into contracts with approved private driver training schools to provide to any or all of the eligible enrolled students of the district, the automobile driver training as provided pursuant to Section 51852. No such contract shall be valid unless approved by the governing board. The driver training provided under contract by an approved private driver training school shall be under the exclusive control and management of the governing board of the school district and shall comply with all rules and regulations of the State Board of Education relating to driver training offered by the public schools, except that a driver training instructor of the approved private driver training school shall not be required to possess any teaching credential or certification document of any kind except as required by the Driving School Department of the Department of Motor Vehicles. Nothing in this section shall prohibit the governing board from entering into contracts with more than one approved private driver training school and apportioning students among such schools.

Upon approval of the contract, the governing board shall transmit a copy of the signed contract to the State Department of Education.

§41914. “Approved private driver training school.” As used in this article, an “approved private driver training school” is one which:

(a) Has a valid license issued by the Department of Motor Vehicles pursuant to Chapter 1 (commencing with Section 11100) of Division 5 of the Vehicle Code.

(b) Maintains at all times limits of liability insurance established by the State Superintendent of Public Instruction equal to the required of the contracting school district.

(c) Provides, for such automobile driving instruction, dual-control automobiles approved by the Department of Motor Vehicles.

(d) Meets such other requirements as shall be established by the superintendent of Public Instruction.

§41915. Entitlement to payment for driver training of students.

Any contract entered into and approved in the manner provided pursuant to Section 41913 shall entitle the approved driver training school to payment by the school district of the sum of not more than the amount

reimbursable to the school district as “excess cost” provided pursuant to Sections 41900 and 41903. In the event that a student who has commenced the driver training for which the district has contracted pursuant to Section 41913 and the student does not complete the driver training for any reason, the approved private driver training school shall be paid the amount in “excess cost,” if any, received by the school district for such student.

§41916. Payment. Upon presentment to the governing board by the approved private driver training school written verification of the name, school, dates, and times of each automobile driver training instruction lesson and such other information required by the governing board, the approved private driver training school shall be paid the contract amount as determined pursuant to Section 41915.

§41917. Reimbursement to school district for payments made. The governing board of any school district shall be entitled to reimbursement for driver training provided by approved private driver training schools pursuant to this article in the amount authorized pursuant to Section 41900, upon certifying to the Superintendent of Public Instruction the number of pupils for whom automobile driver training instruction lessons was provided pursuant to Sections 41913 to 41919 inclusive.

§41918. Qualifications of instructors. Notwithstanding the provisions of Section 41907, a regular employee of a contracting approved private driver training school shall be a qualified instructor for automobile driver training provided that: (a) He holds a valid driver instructor license issued by the Department of Motor Vehicles, and
(b) He has completed the driver instructor course required by the Department of Motor Vehicles.

§41919. Requirements for contracting with a school district. No approved private driver training school may enter into a contract pursuant to this article unless it has, at the time of entering into the contract, been operating in the State of California for at least 24 consecutive months.

A contracting approved private driver training school shall provide instruction pursuant to one of the plans authorized pursuant to Section 51852.

**Excerpts from
CALIFORNIA CODE OF REGULATIONS
Title 5**

Article 2. Automobile Driver Education

10020. General Provisions. This article governs the establishment, and scope of, and establishes standards for, automobile driver education in high schools, except evening high schools.

Automobile driver education is classroom instruction described in Education Code Section 8571(j).

(a) A course in automobile driver education shall include instruction in the following areas:

- (1) Driving is your responsibility.
- (2) Major causes of accidents.
- (3) The driver.
- (4) Natural forces affecting driving.
- (5) Signs, signals, and highway markings, and highway design features which require understanding for safe operation of motor vehicles.
- (6) California Vehicle Code, rules of the road, and other state laws and local motor vehicle laws and ordinances.
- (7) Differences in characteristics of urban and rural driving, including safe use of modern expressways.
- (8) Critical vehicle systems and subsystems requiring preventive maintenance.
- (9) Pedestrian safety.
- (10) Effects of alcohol and drugs.
- (11) Motorcycle safety.

**Excerpts from
CALIFORNIA CODE OF REGULATIONS
Title 13
LICENSES FOR MINORS UNDER AGE OF EIGHTEEN**

340.10 Forms. Certifications under Vehicle code Section 12507 shall be made on forms furnished by the department.

340.45. Minimum Instruction Requirements Acceptable to the Department.

(a) Certification of driver education by a licensed driving school or educational institution other than a secondary school must be based on

the areas prescribed for automobile driver education stated in Section 10020 of Title 5 of the California Code of Regulations. Classroom instruction shall be minimum of thirty (30) fifty minute periods. Instruction shall be based on a teaching guide furnished by the department.

(b) Pursuant to behind-the-wheel training certification, the training must be a minimum of six (6) hours. Training shall be based on a teaching guide furnished by the department.

OCCUPATIONAL LICENSES DRIVING SCHOOLS AND INSTRUCTION

340.00. Licenses.

(a) A license to own or operate a driving school shall not include the right to give driving instructions.

(b) A license to give driving instruction for driving schools will be limited to giving such instruction while in the employ of the driving school named in the application. The instructor's license must be readily available in the office for each school he may represent and surrendered to the department by the driving school when the instructor becomes inactive, transfers to another school or when the license is expired, cancelled, suspended or revoked.

(c) An identification card will be issued with all driving instructor licenses which shall be in the possession of the licensee at all times while accompanying a student. When an instructor becomes inactive, transfers to another school, or the license is expired, cancelled, suspended or revoked, he/she shall immediately surrender to his/her employing driving school his/her instructor's identification card. The employing driving school is then responsible for surrendering the ID card to the department within 30 days after such event. If an instructor fails or refuses to surrender the ID card, the employing driving school may so notify the department, in writing, in lieu of satisfaction of the requirement that the school surrender the ID card itself.

(d) A licensed instructor may transfer from one driving school to another upon filing of the proper application with the department, payment of the required fee, and surrender of his/her instructor's identification card, as required in (c) above. Application for such transfer must be on file with the department on or before the effective date of the transfer.

(e) An instructor may be licensed to more than one school provided that a written statement from each employing school operator is submitted to the department acknowledging such employment.

(f) The license to own or operate a driving school shall be prominently displayed in the place of business of the driving school.

Note: Authority cited: Section 1651, Vehicle Code. Reference Sections 1651, 11100, 11104, 11105, and 11105.5, Vehicle Code.

340.10. Applications.

All applications for licenses under Chapter 1, Division 5 (commencing with Section 11100) of the Vehicle Code shall be made on forms furnished by the department. All applications for original licenses shall be accompanied by the department. All applications for original licenses shall be accompanied by two clear sets of fingerprint cards. All applications for renewal of instructor licenses shall be accompanied by a medical examination report at least every three years. Evidence of possession of a valid Medical Examiner's Certificate may be accepted in lieu of the medical examination report.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 1652, 11100, 11102, 11102.5, 11104, 11105, 11105.1 and 11105.5, Vehicle Code.

340.15. Insurance requirements.

The certificate of insurance required by Vehicle Code Section 11103 shall be on a form prescribed by the department. A new insurance certificate must be on file with the department before the expiration of a prior one. An insurance certificate will not be required of those schools that offer classroom instruction only.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Sections 11103 and 1652, Vehicle Code.

340.20. Place of business.

(a) Each applicant for licensing as a driving school owner shall designate his/her place of business or branch location(s). Upon inspection and approval by the department, separate locations used by the school exclusively as classrooms will be granted an exemption from licensing separate places of business.

(b) A driving school branch location is any location, other than the principal place of business, maintained to provide driving school services. A branch location must comply with the requirements of Sections 320 and 11102(a)(3) of the California Vehicle Code. Upon approval of the department, the records may be maintained at another business location, provided a written instrument is filed with the department describing such other location.

(c) A driving school's established place of business and branch location(s) shall have erected or posted thereon outdoor and/or indoor signs or devices providing information stating the school's name, address, and office hours. Every such sign erected or posted on an established place

of business or branch location(s) shall have an area of not less than two square feet per side displayed unless size is restricted by building lease agreement or local ordinance, and shall contain lettering of sufficient size to enable the sign or device to be read from a distance of at least 50 feet for an outdoor sign or 10 feet for an indoor sign.

(d) In the absence of the operator, the person left in charge of the office during the posted office hours shall be fully qualified and authorized to give pertinent information to the public concerning lessons and accounts and to give information to any representative of the department concerning the operation of the school.

(e) At least twenty-four hours notice must be given the department before any change in posted office hours.

(f) Each school shall file an application with the department accompanied by the required fees for any change of address of a driving school ten days before opening for business at any new location.

Note: Authority cited: Sections 1651 and 11113, Vehicle Code. Reference: Sections 320, 1651, 11102, 11105.2 and 11113, Vehicle Code.

340.25. Driver education courses for minors.

(a) Any driver education course to be conducted for minors by a licensed driving school must be specifically approved by the department prior to the commencement of the course.

(b) Approval for conducting driver education courses shall be contingent upon the school meeting and maintaining the following requirements:

1. All driver education courses shall be conducted in a classroom approved by the department.

2. All classroom instruction shall be taught by a licensed instructor.

3. Lesson plans must be approved by the department.

4. Each student may receive a maximum of seven (7) hours of instruction per day.

5. The schedule of classes including dates and times shall be filed with the department before any course begins.

6. Provide a minimum of 16 sq. ft. of floor space per student.

7. Provide adequate seating and writing facilities such as desks and chairs or tables and chairs.

8. Provide adequate lighting.

9. Have available in good working condition at least one of the following: (1) video recorder, 2) motion picture projector, 3) slide projector, or 4) film strip projector. The school must also have a chalk board or a magnetic board.

10. Use at least five (5) motion picture films video tapes, film strips, or slide presentations or any combination thereof approved by the department. The total presentation(s) must provide at least 100 minutes of actual viewing time.

11. Use textbooks approved by the department and provide one book per student participating.

Note: Authority cited: Sections 1651 and 11113, Vehicle Code.
Reference: Section 11113, Vehicle Code.

340.27. Certificate of Completion for minors.

(a) Each driving school shall be held accountable for any Certificate of Completion, forms OL 237, OL 238 and OL 239, issued to the school. Forms used for such accounting shall be furnished by the department. Each certificate issued shall be recorded in numerical sequence giving the number of the certificate, the full name of the student, and the date the certificate was issued. Whenever the school goes out of business all such records of certificates issued shall be surrendered to the department along with any unused certificates.

(b) Certificates of Completion shall not be issued for any minor who does not complete the training required by Section 12507(b) of the Vehicle Code. Upon request of a minor student withdrawing from a course of instruction prior to completion of such course, the school shall issue the student a certified copy or transcript of his instructional record which shall show the amount and type of training given.

(c) Any driving school providing the required training course to students described in paragraph (b) of this section shall retain a copy or transcript of each student's record as evidence of the total hours of training he/she has received. A Certificate of Completion may then be issued by the driving school to each student completing the required course of instruction.

Note: Authority cited: Sections 1651 and 11113, Vehicle Code.
Reference: Sections 1652, 11108, 11113 and 12507, Vehicle Code.

340.30. Equipment.

(a) Passenger Vehicles. A certificate stating that each training vehicle has been inspected and is in safe mechanical condition shall be submitted to the department by each driving school operator before a driving school license may be issued or renewed. Exception: Upon renewal, a new certificate may not be required if the vehicle(s) was inspected within 120 days of renewal and such certification is on file with the department. The inspection and certificate must be completed by a person licensed to repair automobiles by the Bureau of Automotive Repair or by an employee of a repair facility licensed by the Bureau of Automotive Repair. The certificate must bear the signature and business address of the person making the inspection. A separate certificate must be submitted for each vehicle. Forms for this purpose shall be furnished by the department. Vehicle inspection certificates will be

required on all replacement or added vehicles before they may be used in driver training.

Note: Authority cited: Sections 1651 and 11113, Vehicle Code. Reference: Sections 11102 and 11109, Vehicle Code.

340.40. Advertising.

(a) The full official name of a driving school and the address of its established place of business or branch location(s) as shown in department records, or the school's occupational license number shall be used in all media of advertising and telephone anchor listings. Where a display advertisement appears in the yellow pages of the telephone directory, the address of the driving school's established place of business may be omitted from the display advertisement provided that, (1) the school's address is listed in the directory's anchor listing; and (2) the driving school's occupational license number is prominently displayed in the advertisement in lieu of the address.

(b) No driving school advertisement shall indicate in any way that a school can issue or guarantee the issuance of a driver's license or imply that the school can in any way influence the department in the issuance of a driver's license or imply that preferential or advantageous treatment from the department can be obtained.

(c) No licensed school shall advertise that it is approved by the department.

(d) The length of each lesson or course shall be clearly stated whenever the cost for such lesson or course is quoted or advertised.

Note: Authority cited: Section 1651, Vehicle Code. Reference: Section 11110, Vehicle Code.

340.45. Instruction.

(a) No licensee may conduct or permit any employee to conduct behind-the-wheel driving lessons in excess of two (2) hours per day for any person seeking to satisfy the requirements of Vehicle Code Section 12507. Advanced driver training of over two (2) hours per day may be given to any such person who has completed a minimum of six (6) hours of driver training except that no such previously unlicensed persons shall be given more than four (4) hours of behind-the-wheel training in any one day. Exceptions to this limitation may be granted under special circumstances with prior approval by the department.

(b) No licensee may conduct or permit any employee to conduct behind-the-wheel instruction upon a highway for any person who does not have in his immediate possession a valid instruction permit (Student License, DL form 118) or driver's license.

(c) No licensee may conduct or permit any employee to conduct behind-the-wheel instruction on a specific drive test route of any department office.

Note: Authority cited: Sections 1651 and 11113, Vehicle Code. Reference: Sections 11103 and 12507, Vehicle Code, and Section 51220, Education Code.

342.00. Subject matter of driving instructor training course.

The curriculum of any course of driving instructor training which will receive departmental approval must include the following subject matter:

- Qualifications of a Professional Driving Instructor
- First Aid Relating to Vehicle Accidents
- Teaching Techniques for Training Drivers
- The Driving Privilege, Licensing and Controls
- Rules of the Road and Civil Liability Relating to Owning and Operating Motor Vehicles
- Motor Vehicles, Equipment and Maintenance
- Physical and Mental Capabilities of Drivers
- Student Orientation to Motor Vehicle Features and Controls
- Teaching Driving Skills
- Teaching Defensive Driving

Note: Authority cited: Section 1651 and 11113, Vehicle Code. Reference: Sections 11102.5, 11104 and 11113, Vehicle Code.

342.02. Department approval of instructor training course.

All textbooks, visual aids, course curriculum and lesson plans used in instruction shall be approved by the department.

Note: Authority cited: Sections 1651 and 11113, Vehicle Code. Reference: Section 11113, Vehicle Code.

342.03. Course monitoring by department.

School shall submit to the department their schedule of driving instructor training courses. Department personnel may monitor all courses offered at any time.

Note: Authority cited: Sections 1651 and 11113, Vehicle Code. Reference: Sections 1651 and 11113, Vehicle Code.

342.04. Proof of satisfactory completion.

Each student who successfully completes a driving instructor training course shall be furnished with a certificate evidencing such successful

completion bearing the date on which the course was completed and type of training received.

Note: Authority cited: Sections 1651 and 11113, Vehicle Code. Reference: Sections 11113 and 11104, Vehicle Code.

340.05. Continuing Professional Education.

In lieu of a renewal examination every three-year period as provided in Sections 11105(b)(2) and 11105.1(b)(2) of the Vehicle Code, the department will accept evidence of completion within two (2) years of a college level course equivalent to two (2) semester units. The department will accept participation in appropriate courses and seminars as evidence of continuing professional education. To be acceptable, such participation must consist of a minimum of eighteen (18) hours within the preceding three (3) years.

Note: Authority cited: Sections 1651, Vehicle Code. Reference: Sections 11105 and 11105.1, Vehicle Code.

Title 13. MOTOR VEHICLES

Article 4. OCCUPATIONAL LICENSES

STUDENT LICENSES

344.10. Definition.

A student license permits the operation of a class C motor vehicle by the licensee under the conditions set forth in Section 401.14 and may be issued by a driving school authorized by the department.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code. Reference: Section 12660, Vehicle Code.

344.12. Driving School Authorizations.

(a) A driving school currently licensed by the department and not on probation with the department may apply to the department at its headquarters in Sacramento for authorization to issue student licenses.

(1) The application for authorization shall be submitted on the Application for Authorization to Issue Student Licenses, form OL 804 (2/90), provided by the department and shall contain the following information:

(A) The driving school name, occupational license number and the address of the principal place of business.

(B) A list of the names, corresponding signatures and, when applicable, the occupational license number of all driving school employees designated to issue student licenses.

(C) A statement that the driving school possesses at least one device to test the distance vision of each applicant for a student license and a description of the device.

(D) A statement that at least one employee is trained to conduct a vision test using the device described in subdivision (a)(1)(C) in order to determine that the distance vision of each applicant for a student license meets the vision criteria stated in Section 340.20(a)(2)(A).

(E) The signature of the driving school owner or the driving school operator, the date of the signature, and a certification that the information contained in the application is true to the best of their knowledge.

(b) If the department approves the application for authorization, a letter of approval shall be sent to the driving school owner by the department containing an authorization statement and an acknowledgment of the persons designated in the application to issue student licenses. If the department disapproves the request for authorization, a notice stating any reason for the disapproval shall be sent to the driving school owner.

(c) A driving school authorized to issue student licenses shall maintain with the department a current listing of the names and the corresponding signatures of all driving school employees designated to issue student licenses.

(1) Whenever an authorized driving school makes any change to its list of employees designated to issue student licenses, the driving school shall complete Part B of the Application for Authorization to Issue Student Licenses, form OL 804 (2/90), and forward the updated listing to the department at its headquarters in Sacramento within 5 working days of the change excluding Saturdays, Sundays and legal holidays. An employee shall not be authorized to issue student licenses pursuant to Section 344.24 until the updated listing is forwarded by the driving school to the department.

(2) The department shall return to the authorized driving school an acknowledgment of the receipt of the updated listing.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code. Reference: Section 12660, Vehicle Code.

344.14. Description of Limitations.

(a) A student license shall permit the limited operation of a class C motor vehicle by the licensee to such times as the licensee is receiving driver training instruction at the direction and under the supervision of a licensed instructor in the employ of the authorized driving school which issued the student license.

(1) The student license shall be maintained by the authorized driving school which issued the license except at such times as the student licensee is receiving driver training instruction. At such times, the

student license shall be maintained in the immediate possession of the student licensee.

(b) A student license shall be valid for not more than one year from the date of issuance indicated on the student license.

(c) A student license shall not be transferable from one authorized driving school to another authorized driving school.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code.
Reference: Section 12661, Vehicle Code.

344.16. Applications.

Any person 15 years of age or older may apply to an authorized driving school for a student license. Every applicant shall complete an application for a student license.

(a) The student license application shall be the Application for Student License Issued by Authorized Driving Schools, form OL 801 (10/88), provided by the department to the authorized driving school and shall contain all of the following information:

(1) The applicants's true full name, birth date, mailing address, residence address and telephone number.

(2) A brief physical description of the applicant.

(3) Whether the applicant, within the last three years, has experienced, on one or more occasions, either a lapse of consciousness or an episode of marked confusion caused by any condition which may bring about recurrent lapses, or whether the applicant has any disease, disorder, or disability which affects ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway.

(4) Whether the applicant is rendered incapable of safely operating a motor vehicle because of alcoholism, excessive and chronic use of alcoholic beverages, or addiction to, or habitual use of, any drug.

(5) Whether the applicant has had their driving privilege or a driver license suspended or revoked within the last 7 years.

(6) Any other information necessary to enable the authorized driving school to determine whether the applicant is entitled to a student license.

(7) The applicant's certification that all information contained in the application is true to the best of their knowledge and a declaration that any false statement made on the application may result in the cancellation of any student license issued.

(8) The applicant's signature and the date of the signature.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code.
Reference: Sections 12661 and 12805, Vehicle Code.

344.18. Verification of Name and Birth Date.

(a) Upon application for a student license, the driving school shall require the applicant to produce identification to ensure the name

stated in the application is the true name of the applicant, and the birth date stated in the application is the true birth date of the applicant.

(I) Identification to establish the true name and the true birth date of the applicant shall include one of the following documents:

(A) A certified copy of a birth certificate.

(B) A baptismal document issued prior to 1945 for births in the United States.

(C) A notice of birth registration.

(D) Documents issued by the United States Armed Forces containing a complete birth date including military identification cards issued to members and their dependents and selective service registration cards.

(E) A California identification card issued by the department.

(F) Passports, visas, immigration or naturalization documents, or alien registration cards containing a complete birth date.

(G) Identification cards issued by out-of-state driver licensing jurisdictions.

(H) California Department of Correction documents signed by institutional records officers while the applicant was incarcerated or signed by regional parole records officers after the applicant was released on parole.

(I) California Youth Authority documents signed by a parole agent III, or a camp superintendent, or an assistant superintendent.

(J) School certifications limited to primary or secondary schools attended by the applicant prior to the applicant's sixteenth birthday. School certifications shall only be accepted as verification when the items described in subsections (A) through (I) are unavailable. Records from colleges, and trade or business schools are unacceptable.

(K) Any document issued by the United States Government to establish the year of birth for refugees.

(b) The driving school employee verifying the true name and birth date of the applicant for a student license shall record upon the student license application the type of document used for verification.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code. Reference: Sections 12661 and 12805, Vehicle Code.

344.20. Examinations.

(a) Upon application for a student license the authorized driving school shall require the following examinations of the applicant.

(1) A test of the applicant's knowledge and understanding of traffic signs and signals.

(A) The knowledge test shall be the Student License Knowledge Test, form OL 802 (10/88), provided by the department and shall be administered by a licensed driving school instructor employed by the authorized driving school. The knowledge test shall provide to the instructor

information concerning the applicant's knowledge of basic signs and signals and rules of the road. The knowledge test shall be administered to non-English speaking or illiterate applicants in such a manner as to provide to the instructor the applicant's knowledge of basic signs and signals and rules of the road.

(2) A test of the vision of the applicant.

(A) The vision test shall be administered by an employee of the authorized driving school trained to conduct a test of the distance vision of the applicant for a student license on the distance vision testing device in possession of the authorized driving school. The vision test shall determine if the applicant has distance vision of at least 20/40 in both eyes combined, with at least 20/40 in the better eye and no less than 20/67 in the weaker eye, with or without corrective lenses.

(3) A test of the hearing of the applicant.

(A) The hearing test shall be administered by an employee of the authorized driving school. The hearing test shall demonstrate to the employee the applicant's ability to hear ordinary conversation with or without the use of a hearing device.

(b) The results of each examination shall be noted on the student license application by the person administering the test.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code.
Reference: Sections 12661 and 12805, Vehicle Code.

344.22. Grounds Requiring Refusal.

(a) An authorized driving school shall not issue a student license to any person:

(1) Who is not 18 years of age or older.

(2) Who is unable, as shown by examination, to understand traffic signs or signals, or who is unable to read and understand simple English used in highway traffic and directional signs.

(3) Who does not, as shown by examination, have distance vision of at least 20/40 in both eyes combined, with at least 20/40 in the better eye and no less than 20/67 in the weaker eye, with or without corrective lenses.

(4) Who does not, as shown by examination, have the ability to hear ordinary conversation, with or without the use of a hearing device.

(5) Who does not have the complete and unrestricted use of all limbs without the assistance of any device.

(6) Who is rendered incapable of safely operating a motor vehicle because of alcoholism, excessive and chronic use of alcoholic beverages, or addiction to, or habitual use of, any drug.

(7) Who has a disorder characterized by lapses of consciousness or who has experienced, within the last three years, either a lapse of consciousness or an episode of marked confusion caused by any condition which may bring about recurrent lapses, or who has any physical or mental

disability, disease, or disorder which could affect the safe operation of a motor vehicle.

(8) Who has evidence of a condition which may affect the ability of the applicant to safely operate a motor vehicle.

(9) Who has had their driving privilege or a driver license suspended or revoked within the last 7 years.

(10) Who has failed to furnish the authorized driving school the information required in the student license application.

(b) Any student license applicant refused a student license for reasons described in subdivision (a) (3) through (9) shall be referred to the department by the authorized driving school employee refusing the student license. When an applicant is referred to the department the driving school shall forward the student license application completed by the applicant refused the student license to the department within 10 working days excluding Saturdays, Sundays and legal holidays of the date of application.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code.
Reference: Sections 12661 and 12805, Vehicle Code.

344.24. Issuance, Content and Disposition.

(a) When the authorized driving school determines that the applicant is lawfully entitled to a student license, a designated employee whose name and signature appears in the listing required by Section 401.12(c) shall issue the Driving School Student License, form OL 800 (9/92).

(1) The student license shall contain the following information:

(A) A unique preprinted number.

(B) A written description of the limitations of the student license in terms of duration and use as specified in Section 344.14.

(C) The issuance date and the expiration date of the student license.

(D) The licensee's full name, birth date and residence address.

(E) The signature of the licensee.

(F) The name and occupational license number of the authorized driving school issuing the student license.

(G) The name and the signature of the authorized driving school employee issuing the student license.

(b) Upon issuing the student license, the authorized driving school employee shall verbally advise the applicant of the limitations of the student license in terms of duration and use as specified in Section 344.14.

(c) The student license shall be prepared in quadruplicate for disposition as follows:

(1) The original shall be the Student License and shall remain in the possession of the authorized driving school issuing the license except as noted in Section 344.14(a) (1).

(2) The first copy shall be the Driving School Copy and shall remain with the business records of the authorized driving school.

- (3) The second copy shall be the DMV Copy and shall be forwarded to the department at its headquarters in Sacramento within 10 working days excluding Saturdays, Sundays and legal holidays of the issuance date.
- (4) The third copy shall be the Receipt for Applicant and shall be issued to the student licensee.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code.
Reference: Section 12661, Vehicle Code.

344.26. Cancellations.

- (a) A student license may be cancelled by the driving school that issued the license or by the department whenever, in the opinion of either, the safety of the student licensee or other persons requires the action. A student license may also be cancelled by the department or by the authorized driving school that issued the license when a license has been issued through error or when the student license applicant has provided false information on the application for a student license.
- (b) When an authorized driving school cancels the student license, the reason for the cancellation, the date of the cancellation and the name of the authorized driving school employee cancelling the student license shall be recorded on the application for a student license. The date of the cancellation and the name of the authorized driving school employee cancelling the student license shall also be recorded on the original student license. Both documents shall be forwarded together to the department at its headquarters in Sacramento within 10 working days excluding Saturdays, Sundays and legal holidays of the date of cancellation.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code.
Reference: Section 12661, Vehicle Code.

344.28. Fees and Purchasing.

- (a) The department shall charge an authorized driving school a fee of two dollars (\$2) per student license. An authorized driving school shall not charge an applicant more than two dollars (\$2) for a student license.
- (b) Student licenses may be purchased by authorized driving schools in selected department field offices in multiples of 25.
- (c) Student licenses shall only be purchased by an authorized driving school owner, operator, or employee presenting the original or a copy of the letter of approval to issue student licenses sent to the driving school owner by the department as specified in Section 344.12(b).
- (1) An authorized driving school employee who is not the owner or operator shall also present a statement of permission to purchase student license on the letterhead stationery of the authorized driving

school. The statement of permission shall be signed by the driving school owner and dated within 30 days of the current date.

(d) Student licenses purchased by an authorized driving school from the department shall be used exclusively by the purchasing school and shall not be sold or transferred to another school or any other entity.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code.
Reference: Sections 12660 and 12661, Vehicle Code.

344.30. Forms and Accountability.

(a) All driving schools authorized to issue student licenses shall be subject to the following provisions:

(1) Each authorized driving school shall account for any student license issued by the school on the Student License Issuance Log, form OL 803 (4/89) provided by the department.

(A) Each student license issued shall be recorded on the log in numerical sequence listing the number of the student license, the full name of the licensee and the date the license was issued.

(B) Any voided student license shall be noted on the log in numerical sequence with the notation "void." The voided license including all copies and the receipt shall be forwarded to the department at its headquarters in Sacramento within 10 working days excluding Saturdays, Sundays, and legal holidays of the date the license was voided.

(C) Any lost or stolen student license shall be noted on the log in numerical sequence with the notation "lost" or "stolen." An authorized driving school shall forward a report to the department of any lost or stolen student license no later than the close of business of the next working day following the discovery of the loss or theft. The report shall contain the number of the lost or stolen student license and the reason the license is missing.

(b) Whenever an authorized driving school goes out of business, all student license records and any unused student licenses shall be surrendered to the department.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code.
Reference: Section 12661, Vehicle Code.

344.32. Records Maintenance and Confidentiality.

(a) Every owner of a driving school authorized to issue student licenses shall maintain at the driving school's principal place of business the following records:

(1) Every application for Student License Issued by Authorized Driving Schools which does not result in a referral to the department as specified in Section 344.22(b).

(2) The Driving School copy of each Driving School Student License issued.

(3) Every Student License Issuance Log used to account for the student licenses issued, lost, stolen or voided.

(b) The records shall be available for inspection at the principal place of business within 10 working days of the issuance date of the student license excluding Saturdays, Sundays and legal holidays.

(c) The records shall be retained for a minimum of three years from the issuance date of the student license and shall be open to the inspection of the department during business hours and at all other reasonable times.

(d) All records of the authorized driving school relating to the physical or mental condition of any student license applicant or student licensee are for the confidential use of the authorized driving school maintaining the records or the department and are not open to public inspection.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code.
Reference: Sections 12661, Vehicle Code.

344.34. Notice and Hearing.

(a) Every driving school disapproved by the department to issue student licenses shall be entitled to a hearing upon demand in writing submitted to the department within 60 days after notice of disapproval.

(b) Every driving school authorized by the department to issue student licenses is entitled to a notice and hearing prior to removal from the student license program by the department.

(1) The department may, pending a hearing, temporarily remove the authorization of any driving school to issue student licenses for a period not to exceed 30 days if the director of the department finds that the action is required in the public interest.

(c) The notice and hearing shall be pursuant to and governed by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Note: Authority cited: Sections 12660 and 12661, Vehicle Code.
Reference: Sections 12660 and 12661, Vehicle Code.

Field Offices Participating in Driving School Program (By County)

ALAMEDA

Hayward
150 Jackson Street, 94544

Oakland
5300 Claremont Avenue, 94618

BUTTE

Chico
500 Cohasset Rd, Suite 31, 95926

CONTRA COSTA

El Cerrito
6400 Manila Avenue, 94530

Walnut Creek
1910 North Broadway, 94596

FRESNO

Fresno
655 W. Olive, 93728

HUMBOLDT

Eureka
322 West 15th Street, 95501

KERN

Bakersfield
7000 Schirra Court, 93313

Ridgecrest
540 Perdew Avenue, #A, 93555

LOS ANGELES

Bellflower
9520 E. Artesia Blvd., 90706

Compton
2111 S. Santa Fe Avenue, 90221

Culver City
11400 W. Washington Blvd., 90066

Glendale
1335 West Glenoaks Blvd., 91201

Hollywood
803 North Cole Avenue, 90038

Inglewood
621 North La Brea Avenue, 90302

Lancaster
1110 West Avenue "I", 93534

LOS ANGELES (Cont.)

Lincoln Park
3529 N. Mission Road, 90031

Los Angeles
3615 S. Hope Street, 90007

Montebello
424 North Wilcox Avenue, 90640

Pomona
1600 S. Garey Avenue, 91766

Santa Monica
2235 Colorado Avenue, 90404

Van Nuys
14920 Vanowen Street, 91405

West Covina
800 South Glendora Avenue, 91790

Winnetka
20725 Sherman Way, 91306

MARIN

Corte Madera
75 Tamal Vista Blvd., 94925

MERCED

Merced
1313 West 12th Street, 95340

MONTEREY

Seaside
1180 Canyon del Rey, 93955

ORANGE

Fullerton
909 W. Valencia, 92632

RIVERSIDE

Palm Springs
950 N. Farrell Drive, 92262

Riverside
6280 Brockton Avenue, 92506

SACRAMENTO

Carmichael
5209 North Avenue, 95608

Sacramento
2570 - 24th Street, 95818

Field Offices Participating in Driving School Program (By County)

SAN BERNARDINO

San Bernardino
1310 N. Waterman Ave, 92404

SAN DIEGO

Chula Vista
30 North Glover Avenue, 92010

Oceanside
4005 Plaza Drive, 92056

San Diego
3960 Normal Street, 92103
4375 Derrick Drive, 92117

SAN JOAQUIN

Stockton
710 North American Street, 95202

SAN LUIS OBISPO

San Luis Obispo
3190 S. Higuera Street, 93401

SAN MATEO

Daly City
1500 Sullivan Avenue, 94014

Redwood City
300 Brewster Avenue, 94063

San Mateo
425 North Amphlett Blvd., 94401

SANTA BARBARA

Santa Barbara
535 Castillo Street, 93101

SANTA CLARA

Gilroy
8200 Church Street, 95020

SANTA CLARA (con't)

Mountain View
595 Showers Drive, 94040

San Jose
111 West Alma Avenue, 95110

SANTA CRUZ

Capitola
4200 Capitola Road, 95010

SHASTA

Redding
2135 Akard Avenue, 96001

SOLANO

Vallejo
200 Couch Street, 94590

SONOMA

Santa Rosa
2570 Corby Avenue, 95407

STANISLAUS

Modesto
124 Burney Street, 95354

SUTTER

Yuba City
379 Colusa Avenue, 95993

TULARE

Visalia
1570 Poole Blvd., 95993

VENTURA

Ventura
4260 Market Street, 93003

Applications for driving instructors will be accepted and processed at any field office listed above.

Inspector Offices Participating in Driving School Program (By County)

ALAMEDA

Hayward
150 Jackson Street, 94544-1946

FRESNO

Fresno
1551 East Shaw, #101, 93710-8025

KERN

Bakersfield
7000 Schirra Court, 93313-2117

LOS ANGELES

Compton
2111 South Santa Fe, 90221-5310
Inglewood
621 North LaBrea Ave., 90302-3006
Los Angeles
3615 South Hope St., 90007-4370
Newhall
24427 Newhall Avenue, 91321-2723
Pomona
1600 South Garey Ave., 91766-5223

NAPA

Novato
936 7th Street, 94947-3000

ORANGE

Irvine
16735 Von Karman, #110 92606-4953
Placentia
2390 North Rose Drive, 92670-1722

RIVERSIDE

Norco
3201 Horseless Carriage Dr.,
91760-1996
Palm Springs
950 North Farrell, 92262-5955

SACRAMENTO

Sacramento
2120 Broadway, 91818-2518

SAN BERNARDINO

Redlands
1659 West Lagonia Ave, 91760-1996
Rancho Cucamonga
8629 Hellman Avenue, 91730-4455

SAN DIEGO

El Cajon
1450 Graves Avenue, 92021-2953
San Diego
4375 Derrick Drive, 92117-4944
San Ysidro
3702 Del Sol Blvd, 92154-3537

SAN FRANCISCO

San Francisco
1377 Fell Street, 94117-2224

SAN JOSE

San Jose
180 Martinvale Lane, 95119-1356
111 W. Alma Avenue, 95110-3630

SAN LUIS OBISPO

San Luis Obispo
3190 South Higuera St., 93401-6928

STANISLAUS

Turlock
825 E. Monte Vista Ave. 95382-0444

VENTURA

Oxnard
4050 South Saviers Rd., 93033-6444

YOLO

Davis
505 Pole Line Road, 95616-5418x

Applications for driving school owners and/or operators will be accepted and processed at any of the above listed Inspector's offices. Field Office personnel do not process owner and operator applications. To ensure an inspector will be available to assist you, please call for an appointment.



GRAY DAVIS, *Governor*
State of California

MARIA CONTRERAS-SWEET, *Secretary*
Business, Transportation and Housing Agency

ED SNYDER, *Acting Director*
Department of Motor Vehicles